



**INDEPENDENT COMMUNITY
BANKERS of AMERICA**

August 31, 2009

Office of the Comptroller of the Currency
250 E Street, SW
Mail Stop 1-5
Washington, DC 20219
Docket Number OCC-2008-0022

Robert E. Feldman, Executive Secretary
Attention: Comments
Federal deposit Insurance Corporation
550 17th Street, NW
Washington, DC 20429
RIN 3084-AA94

Mary Rupp, Secretary of the Board
National Credit Union Administration
1775 Duke Street
Alexandria, VA 22314-3428

Jennifer J. Johnson, Secretary
Board of Governors of the
Federal Reserve System
20th Street and Constitution Ave, NW
Washington DC 20551
Docket No. R-1300

Regulation Comments
Chief Counsel's Office
Office of Thrift Supervision
1700 G Street, NW
Washington, DC 20552
Attention: OTS-2008-0026

Federal Trade Commission
Office of the Secretary
Room 159-H (Annex C)
600 Pennsylvania Avenue, NW
Washington DC 20580

R. MICHAEL MENZIES SR.
Chairman

JAMES D. MACPHEE
Chairman-Elect

SALVATORE MARRANCA
Vice Chairman

LARRY W. WINUM
Treasurer

WAYNE A. COTTLE
Secretary

CYNTHIA L. BLANKENSHIP
Immediate Past Chairman

CAMDEN R. FINE
President and CEO

Re: Guidelines for Furnishers of Information to Consumer Reporting Agencies

Dear Sir or Madam:

The Independent Community Bankers of America¹ (ICBA) welcomes the opportunity to comment on the advance notice of proposed rulemaking regarding the inclusion of an account opening date in guidelines implementing the integrity provisions in the Fair and Accurate Credit Transaction Act of 2003 (FACT Act).²

¹ The Independent Community Bankers of America represents nearly 5,000 community banks of all sizes and charter types throughout the United States and is dedicated exclusively to representing the interests of the community banking industry and the communities and customers we serve. ICBA aggregates the power of its members to provide a voice for community banking interests in Washington, resources to enhance community bank education and marketability, and profitability options to help community banks compete in an everchanging marketplace.

With nearly 5,000 members, representing more than 20,000 locations nationwide and employing nearly 300,000 Americans, ICBA members hold \$1 trillion in assets, \$800 billion in deposits, and \$700 billion in loans to consumers, small businesses and the agricultural community. For more information, visit ICBA's website at www.icba.org.

² Section 312 of the FACT Act amended section 623 of the Fair Credit Reporting Act codified at 15 U.S.C. 1681s-2.

Background

The FACT Act directed the federal financial regulatory agencies³ and the Federal Trade Commission (collectively, “the Agencies”) to establish and maintain guidelines for use by entities that furnish consumer information to CRAs (furnishers) regarding the accuracy and integrity of the information that is provided to consumer reporting agencies (CRAs).

The Agencies issued final rules and guidelines, which define key terms such as “accuracy” and “integrity” and require furnishers to establish and implement reasonable written policies and procedures on the accuracy and integrity of consumer information provided to a CRA. In establishing these policies and procedures, furnishers must consider the guidelines and incorporate those guidelines that are appropriate.

Among other elements, the term “integrity” includes items about an account that are listed in the guidelines, in the furnisher’s possession, and that the absence of which would likely be materially misleading in evaluating a consumer’s creditworthiness. The Agencies will list in the guidelines the types of information that the furnisher will be expected to provide to promote the integrity of the information. Currently, the credit limit, if applicable and in the furnisher’s possession, is listed in the guidelines as one of the items required to be furnished to promote the integrity of the information.

The Agencies are seeking comment on whether, and under what circumstances, an account opening date should be listed in the guidelines as a second item that is expected to be provided to a CRA.

ICBA Position

ICBA supports the inclusion of an account opening date, if in the furnisher’s possession, to promote the integrity of information furnished to CRAs. In today’s credit markets, thorough information sharing is vital to the continued availability of credit to consumers, and the account opening date is an integral factor in evaluating credit worthiness and determining long-standing credit relationships. Absent an account opening date, potential lenders could reasonably evaluate incorrectly a consumer’s credit capacity, creditworthiness, or credit standing. A consumer report of timely payments on an account that has been opened for a short time would be evaluated differently than a report of timely payments on an account that has long standing credit. Likewise, a consumer report depicting several accounts recently opened reveals an important factor about a consumer’s credit capacity.

Additionally, the inclusion of an account opening date would not be burdensome to community banks. Most community banks already furnish an account opening date to CRAs if it is in their possession. They submit the information electronically by

³ The Office of the Comptroller of the Currency, the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the Federal Trade Commission and the National Credit Union Administration

automated core systems, the majority of which automatically provide for the transmission of account opening dates.

Thank you for the opportunity to comment. If you have any questions or need additional information, please feel free to contact me by telephone at 202-659-8111 or by e-mail at lilly.thomas@icba.org.

Sincerely,

/s/

Lilly Thomas
Regulatory Counsel